

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

---

RICHARD LEWIS, an individual in *propria* )  
*persona* and *ex rel* as a Private Attorney General; )  
LORRAINE K. LEWIS, an individual; )  
RICHARD L. LEWIS, III, an individual; )  
SCOTT F. LEWIS, an individual; )  
MINOR CHILD 1, age 6, an individual; )  
MINOR CHILD 2, age 8, an individual; )  
MINOR CHILD 3, age 3, an individual; )  
MINOR CHILD 4, age 7, an individual; )  
NELLE, Esq., a licensed California attorney )  
and individual; THOMAS W. PAEGEL, )  
an individual; THOMAS W.V. PAEGEL, )  
an individual; THE BODY COMPANY )  
SPORTS, INC., a Nevada corporation; )  
and DOES 1-300 inclusive, )

Plaintiffs )

v. )

PETE E. ALMEIDA, an individual; )  
AMERICAN EXPRESS TRAVEL RELATED )  
SERVICES COMPANY, INC., a )  
New York corporation and their agents and Affiliates; )  
BIBI BAC, mediator in Charlotte County, Florida; )  
JEAN-RENE BASLE, San Bernardino County Counsel; )  
BEVERLY HILLS POLICE DEPARTMENT, the )  
police department of the City of Beverly Hills; )  
WILLIAM BEATY, an individual; )  
CORBIN BLEU, an individual; )  
THOMAS JAMES BORRIS, an individual )  
and Orange County Superior Court Presiding Judge, )  
California; )  
KENNETH GEORGE CAMPION, an individual and )

**Civil Action No. 3:13-CV-00675**

DBA: KENNETH G. CAMPION, )  
a California Professional Corporation; )  
) )  
CARMAX AUTO SUPERSTORES, INC., )  
AKA: CARMAX AUTO SUPERSTORE SERVICES, )  
INC., a Virginia Corporation; )  
) )  
HON. LISA HART COLE, )  
an individual and Los Angeles Superior )  
Court Judge, California; )  
) )  
LYDIA CORNELL AKA LYDIA CORNELL )  
KORNILOFF, and unlicensed DBAs: LYDIA CORNELL )  
ENTERPRISES; GOTSHOTS™ L.L.C. (unregistered )  
as a trademark or L.L.C.); GODSHOTS.ORG; )  
RECOVERY GODSHOTS; LC ENTERTAINMENT )  
GROUP; VENUS FILMS PRODUCTIONS; MILITARY )  
GODSHOTS, LYDIA CORNELL KORNILOFF )  
VENUS FILMS AND PRODUCTIONS; and all )  
other unlicensed and unregistered DBAs; )  
) )  
MEKI COX, an individual; AKA MEKI L. COX )  
MEKI LYNN COX, MERI LYNN COX, MEKI )  
C. JAKLITCH, MEKI JAKLITCH, MEKI L. )  
COXJAKLITSCH, MEKI SELMAN and unlicensed )  
DBAs: LYRIX ENTERPRISES; )  
LYRIXENTERPRISES.COM; )  
EVENT STAFFING PROFESSIONALS; )  
) )  
GEORGE DEL JUNCO, an individual and )  
unlicensed DBA: GREEN NETWORK; )  
) )  
ELIDA DEL TORO, an individual and )  
unlicensed DBA: GREEN NETWORK; )  
) )  
LEE SMALLEY EDMON, an individual and Los Angeles )  
Superior Court, California (formerly Presiding Judge); )  
) )  
eSTARHD, an internet business of unknown derivation; )  
) )  
HANY FANGARY, an individual; )  
) )  
FARMER'S INSURANCE COMPANY, INC., a )  
California corporation, AKA FARMERS; FARMERS )  
INSURANCE GROUP; )

DAVID FLEMING, an individual and officer of )  
 unlicensed DBA: eSTAR.TV; )  
 )  
 JAMES HILLIS FORD, an individual; )  
 )  
 JACK W. GOLDEN, County Counsel of )  
 Orange County, California; )  
 )  
 (ALLEN) KELSEY GRAMMER, an individual )  
 and DBAs: GRAMMNET, INC., a California corporation; )  
 GRAMMNET PRODUCTIONS, a California corporation; )  
 GRAMMNET NH PRODUCTIONS, a California )  
 Corporation; GRAMNET GLOBAL, LLC, a California )  
 limited liability company; SOLSTICE PROPERTIES, )  
 a California corporation; WORLD CUP COMEDY, LLC, )  
 a California limited liability company; ASTERISK, LLC, )  
 a California limited liability company (canceled); )  
 C2CHANNEL CHANNEL, LLC, a California limited )  
 liability company; G3 MEDIA, LLC, a California limited )  
 liability company; NELSON PAGE ENTERTAINMENT, )  
 INC., a California corporation; KELSEY GRAMMER )  
 CHARITABLE FOUNDATION a California )  
 corporation (suspended); GRAMMNET NH, INC., a )  
 California corporation; )  
 )  
 ARTHUR HADDOCK, an individual; )  
 )  
 RAYMOND HAIGHT, III, an individual and )  
 Judge of the San Bernardino Superior Court, California; )  
 )  
 PAUL HAYELAND, an individual; AKA PAUL )  
 HAYLAND, PAUL AYELAND, PAUL AYLAND, )  
 PAUL CORNELL; and unlicensed DBAs; SPORTS )  
 ICON ENTERTAINMENT; GODSHOTS.TV, SPORTS )  
 ICON IMAGES; GSAXE.COM; )  
 )  
 IVAN JACKSON, director, treasurer, and )  
 secretary of TSOFNET, INC.; )  
 )  
 MARTHA KEHOE, an individual; )  
 )  
 CASEY KEITH, an individual and unlicensed DBA: )  
 AV COMPUTER DOCTOR; )  
 )  
 S. MARTIN KELETI, an individual; )

STEPHANIE M. KING an individual and licensed )  
DBAs: STEPHANIE KING, D.C.; STEPHANIE )  
KING, INC., a California Corporation; and )  
unlicensed DBAs: BODY SLIMMING EXPERTS; )  
ADVANCED HEALTH CONCEPTS; )  
DEDICATEDTOHEALTH.COM; )  
)  
JOHN KRATTI, County Counsel for Los )  
Angeles County, California; )  
)  
MARYLAND CASUALTY CO., a Maryland )  
Corporation; )  
)  
MASTERCARD, INC., a New York corporation; )  
AKA MASTERCARD INTERNATIONAL; )  
)  
MERITUS PAYMENT SOLUTIONS, a credit )  
card processor of unknown registration; )  
)  
ALLEN S. MILLER, an individual and all )  
aliases and unlicensed DBAs: HITMAN PR; )  
HITMANPR.COM; MILLER FAMILY TRUST; )  
ADVANCED KINEMATIC SOLUTIONS; LABOR )  
MEDICAL MANAGEMENT SYSTEMS; LMMS; )  
)  
THE MILNER GROUP, LLC, a revoked California )  
limited liability company; )  
)  
PHILLIP MULLIGAN, an individual and officer of )  
TSOFTNET, INC.; )  
)  
ROBERT MELVIN NEWELL, JR., an individual; )  
)  
BARBARA NIVEN, AKA Barbara Lee Buholz, )  
an individual; and DBA: BARBARA NIVEN )  
ENTERPRISES, INC., a California corporation; )  
)  
JAN A. PLUIM, an individual and Judge of Los )  
Angeles County Superior Court, California (retired); )  
)  
JAMES D. ROBERTS, an individual; )  
)  
DAVID M. ROBINSON, an individual and )  
DBAs: THE MILNER GROUP, LLC, THE )  
JUSTICE FIRM, JUSTICE IMMIGRATION, )

JUSTICE SECURITIES; )  
 MARK SCHWARTZ, an individual and Detective, )  
 City of Beverly Hills Police Department, California; )  
 )  
 RANDALL J. SHERMAN, an individual and )  
 Judge of Orange County Superior Court, California; )  
 )  
 GENE SIMMONS, an individual and DBA: GENE )  
 SIMMONS AXE and unlicensed DBAs: AXE )  
 LTD, GSAXE; )  
 )  
 MARSHA SLOUGH, an individual and Presiding )  
 Judge of San Bernardino County Superior Court, )  
 California; )  
 )  
 STAROPOLY, LLC, a Nevada limited liability )  
 company managed by TSOFNET, INC (revoked); )  
 )  
 D'CARREY STELL, an individual; )  
 )  
 CINDY THOMAS, an individual and clerk of )  
 Los Angeles Superior Court, California; )  
 )  
 TSOFNET, INC, a Nevada corporation; TODHD, )  
 Subsidiary of TSOFNET, INC. or other company; )  
 )  
 BARBARA VARGAS, an individual and clerk )  
 of Los Angeles Superior Court, California; )  
 )  
 ALEX VARONOS, AKA ALEX VARONAS, )  
 ALEX ZARONOS, ALEX ZAMBONI, and )  
 all as unknown AKAs, an individual and officer )  
 of VIEWPARTNER CORPORATION; )  
 )  
 VIEWPARTNER CORPORATION, a )  
 Nevada corporation; )  
 )  
 EDWARD WALSH, an individual; )  
 )  
 JAMES MICHAEL WELCH, Judge of )  
 the San Bernardino Superior Court (retired); )  
 )  
 WELLS FARGO BANK, LTD., a Californiacorporation )  
 and their agents and Affiliates; WELLS FARGO )  
 SACRAMENTO; a California company; WELLS FARGO )

AND COMPANY, a California corporation; WELLS	)
FARGO BANK NATIONAL ASSOCIATION	)
CALIFORNIA, a Tennessee Corporation;	)
	)
DAVID S. WESLEY, an individual and	)
Presiding Judge of Los Angeles Superior Court;	)
	)
LLOYD WESTBROOK, an individual;	)
	)
KEITH G. WILEMAN, an individual;	)
	)
CRAIG T. WORMLEY, an individual and	)
DBAs: THE MILNER GROUP, LLC;	)
JUSTICE IMMIGRATION; THE JUSTICE FIRM;	)
	)
XIAOYI YAO, an individual;	)
	)
ZURICH IN NORTH AMERICA, DBA:	)
AMERICAN INSURANCE COMPANY, a	)
California corporation and all Agents, Affiliates,	)
and Subsidiaries; and	)
	)
DOES 1-300 INCLUSIVE,	)
	)
Defendants.	)

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**NOTICE OF REMOVAL BY DEFENDANT CARMAX AUTO SUPERSTORES, INC.**

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Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant CarMax Auto Superstores, Inc. (“CarMax”), files this Notice of Removal of the above-captioned action from the Circuit Court of Union County, Tennessee for the Eighth Judicial District at Maynardville, and as grounds for removal, respectfully state as follows:

1. On October 29, 2013, a civil action was commenced, and which is currently

pending, in the Circuit Court of Union County, Tennessee for the Eighth Judicial District at Maynardville (the “State Court”), under the style Richard L. Lewis, et al v. Pete E. Almeida, et al, docket number 3114 (hereinafter referred to as “Case No. 3114).

2. A copy of the Complaint filed in Case No. 3114 was received by CarMax when a copy of the same was delivered to its business location in Knoxville, Tennessee on November 4, 2013.

3. The Plaintiff Richard L. Lewis (“LEWIS”) is an adult resident citizen of the state of Tennessee.

4. The Plaintiff Richard L. Lewis, III (“LEWIS III”) is, upon information and belief, an adult resident citizen of the state of Tennessee.

5. The Plaintiff Lorraine K. Lewis (“L. LEWIS”) is, upon information and belief, an adult resident citizen of the state of Tennessee.

6. The Plaintiff Scott E. Lewis (“S. LEWIS”) is, upon information and belief, an adult resident citizen of the state of Tennessee.

7. The Plaintiffs Minor Children 1,2,3 and 4 (collectively “MINOR CHILDREN”) are, upon information and belief, minor resident citizens of the state of Tennessee.

8. The Plaintiff Nelle, Esq. (“NELLE”) is, upon information and belief, an adult resident citizen of and licensed attorney in the state of California, whose full name is Nelle S. Paegel.

9. The Plaintiff Thomas W. Paegel (“PAEGEL SR.”) is, upon information and belief, an adult resident citizen of the state of California.

10. The Plaintiff Thomas W.V. Paegel (“PAEGEL JR”) is, upon information and belief, an adult resident citizen of the state of California.

11. The Plaintiff The Body Company Sports, Inc. (“TBC”) is, upon information and belief, a corporation organized and existing under the laws of the State of Nevada, with its principal place of business in California.

12. Plaintiffs Does 1-300 (“PLAINTIFF DOES”) are unnamed and unidentified persons or entities whose residence and/or organization are unknown.

13. The Defendant CarMax is a corporation organized and existing under the laws of the State of Virginia, where it maintains its principal place of business.

14. The Defendant Pete E. Almeida (“ALMEIDA”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon ALMEIDA.

15. The Defendant American Express Travel Related Services Company, Inc. (“AMEX”) is, upon information and belief, a corporation organized and existing under the laws of the State of New York, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon AMEX.

16. The Defendant Bibi Bac (“BIBI BAC”) is, upon information and belief, an adult resident citizen of the State of Florida, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon BIBI BAC.

17. The Defendant Jean-Rene Basle (“BASLE”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon BASLE.

18. The Defendant Beverly Hills Police Department (“BHPD”) is, upon information and belief, a governmental entity of the State of California, and upon information and belief, as



of the date of the filing of this Notice of Removal, service of process has not been perfected upon BHPD.

19. The Defendant William Beaty (“BEATY”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon BEATY.

20. The Defendant Corbin Bleu (“BLEU”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon BLEU.

21. The Defendant Thomas James Borris (“JUDGE BORRIS”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE BORRIS.

22. The Defendant KENNETH GEORGE CAMPION (“CAMPION”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Kenneth G. Campion, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon CAMPION.

23. The Defendant Hon. Lisa Hart Cole (“JUDGE COLE”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE COLE.

24. The Defendant Lydia Cornell a/k/a Lydia Cornell Korniloff and all DBAs (collectively “CORNELL”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Lydia Cornell Enterprises, Godshots L.L.C, Godshots.org, Recovery

Godshots, LC Entertainment Group, Venus Films and Productions, and/or Military Godshots, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon CORNELL.

25. The Defendant Meki Cox, and all aliases (“COX”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Lyrix Enterprises, Lyrixenterprises.com, and/or Event Staffing Professional, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon COX.

26. The Defendant George Del Junco (“DEL JUNCO”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Green Network, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon DEL JUNCO.

27. The Defendant Elida Del Toro (“DEL TORO”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Green Network, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon DEL TORO.

28. The Defendant Lee Smalley Edmon (“JUDGE EDMON”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE EDMON.

29. The Defendant eSTARHD (“eSTARHD”) is, upon information and belief, a business that upon information and belief, is organized and exists under the laws of the State of

California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon eSTARHD.

30. The Defendant Hany Fangary (“FANGARY”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon FANGARY.

31. The Defendant Farmer’s Insurance Company, Inc. (“FARMERS”) is, upon information and belief, a corporation organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon FARMERS.

32. The Defendant David Flemming (“FLEMMING”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon FLEMMING.

33. The Defendant James Hillis Ford (“FORD”) is, upon information and belief, an adult resident citizen of unknown origin, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon FORD.

34. The Defendant Jack W. Golden (“GOLDEN”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon GOLDEN.

35. The Defendant (Allen) Kelsey Grammer (“GRAMMER”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Grammnet Inc.; Grammnet Productions; Grammnet NH Productions; Grammnet NH, Inc.; Gramnet Global, LLC; Solstice Properties; World Cup Comedy, LLC; Asterisk, LLC; C2Channel Channel, LLC; G3 Media,

LLC; Nelson Page Entertainment, Inc.; Kelsey Grammer Charitable Foundation; and/or Grammnet NH, Inc., and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon GRAMMER.

36. The Defendant Arthur Haddock (“HADDOCK”) is, upon information and belief, an adult resident citizen of the State of Florida, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon HADDOCK.

37. The Defendant Raymond Haight, III (“JUDGE HAIGHT”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE HAIGHT.

38. The Defendant Paul Hayeland a/k/a Paul Hayland a/k/a Paul Ayeland, a/k/a Paul Ayland a/k/a Paul Cornell (“HAYELAND”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Sports Icon Entertainment; Godshots.TV; Sports Icon Images; and/or GSAXE.com, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon HAYELAND.

39. The Defendant Ivan Jackson (“JACKSON”) is, upon information and belief, an adult resident citizen of the State of Nevada, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JACKSON.

40. The Defendant Martha Kehoe (“KEHOE”) is, upon information and belief, an adult resident citizen of the State of Florida, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon KEHOE.

41. The Defendant Casey Keith (“KEITH”) is, upon information and belief, an adult resident citizen of the State of California d/b/a AV Computer Doctor, and upon information and

belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon KEITH.

42. The Defendant S. Martin Keleti (“KELETI”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon KELETI.

43. The Defendant Stephanie M. King (“KING”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Stephanie King, D.C.; Stephanie King, Inc.; Body Slimming Experts; Advanced Health Concepts; and/or Dedicatedtohealth.com, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon KING.

44. The Defendant John Kratti (“KRATTI”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon KRATTI.

45. The Defendant Maryland Casualty Co. (“MCC”) is, upon information and belief, a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in Maryland, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MCC.

46. The Defendant Mastercard, Inc. a/k/a/ Mastercard International (“MASTERCARD”) is, upon information and belief, a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MASTERCARD.

47. The Defendant Meritus Payment Solutions (“MERITUS”) is, upon information and belief, a business of unknown registration and origin, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MERITUS.

48. The Defendant Allen s. Miller (“MILLER”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Hitman PR; Hitmanpr.com; Miller Family Trust; Advanced Kinematic Solutions; Labor Medical Management Systems; and/or LMMS, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MILLER.

49. The Defendant The Milner Group (“MILNER GROUP”) is, upon information and belief, a limited liability company organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MILNER GROUP.

50. The Defendant Phillip Mulligan (“MULLIGAN”) is, upon information and belief, an adult resident citizen of unknown origin, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon MULLIGAN.

51. The Defendant Robert Melvin Newell, Jr. (“NEWELL”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon NEWELL.

52. The Defendant Barbara Niven a/k/a Barbara Lee Buholz (“NIVEN”) is, upon information and belief, an adult resident citizen of the State of California d/b/a Barbara Niven

Enterprises, Inc., and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon NIVEN.

53. The Defendant Jan A. Pluim (“JUDGE PLUIM”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE PLUIM.

54. The Defendant James D. Roberts (“ROBERTS”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon ROBERTS.

55. The Defendant David M. Robinson (“ROBINSON”) is, upon information and belief, an adult resident citizen of the State of California d/b/a The Milner Group, LLC; The Justice Firm; Justice Immigration; and/or Justice Securities, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon ROBINSON.

56. The Defendant Mark Schwartz (“SCHWARTZ”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon SCHWARTZ.

57. The Defendant Randall J. Sherman (“JUDGE SHERMAN”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE SHERMAN.

58. The Defendant Gene Simmons (“SIMMONS”) is, upon information and belief, an adult resident citizen of the State of California d/b/a/ Gene Simmons AXE; AXE Ltd; and/or GSAXE, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon SIMMONS.

59. The Defendant Marsha Slough (“JUDGE SLOUGH”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE SLOUGH.

60. The Defendant Staropoly, LLC (“STAROPOLY”) is, upon information and belief, a limited liability company organized and existing under the laws of the State of Nevada, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon STAROPOLY.

61. The Defendant D’Carrey Stell (“STELL”) is, upon information and belief, an adult resident citizen of the State of Texas, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon STELL.

62. The Defendant Cindy Thomas (“THOMAS”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon THOMAS.

63. The Defendant TSOFNET, Inc. a/k/a/ TODHD (“TSOFNET”) is, upon information and belief, a corporation organized and existing under the laws of the State of Nevada, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon TSOFNET.



64. The Defendant Barbara Vargas (“VARGAS”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon VARGAS.

65. The Defendant Alex Varonos a/k/a Alex Varonas a/k/a Alex Zaronos a/k/a Alex Zamboni (“VARONOS”) is, upon information and belief, an adult resident citizen of the State of Nevada, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon VARONOS.

66. The Defendant Viewparter Corporation (“VIEWPARTNER”) is, upon information and belief, a corporation organized and existing under the laws of the State of Nevada, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon VIEWPARTNER.

67. The Defendant Edward Walsh (“WALSH”) is, upon information and belief, an adult resident citizen of the State of Colorado, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WALSH.

68. The Defendant James Michael Welch (“JUDGE WELCH”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE WELCH.

69. The Defendant Wells Fargo Bank, Ltd. (“WELLS FARGO LTD”) is, upon information and belief, a business organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WELLS FARGO LTD.

70. The Defendant Wells Fargo Sacramento. (“WELLS FARGO SAC”) is, upon information and belief, a business organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WELLS FARGO SAC.

71. The Defendant Wells Fargo and Company. (“WELLS FARGO AND COMPANY”) is, upon information and belief, a business organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WELLS FARGO AND COMPANY.

72. The Defendant Wells Fargo Bank National Association California (“WELLS FARGO NATIONAL”) is, upon information and belief, a business organized and existing under the laws of the State of Tennessee, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WELLS FARGO NATIONAL.

73. The Defendant David S. Wesley (“JUDGE WESLEY”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon JUDGE WESLEY.

74. The Defendant Lloyd Westbrook (“WESTBROOK”) is, upon information and belief, an adult resident citizen of the State of Arizona, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WESTBROOK.

75. The Defendant Keith G. Wileman (“WILEMAN”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of

the date of the filing of this Notice of Removal, service of process has not been perfected upon WILEMAN.

76. The Defendant Craig T. Wormley (“WORMLEY”) is, upon information and belief, an adult resident citizen of the State of California d/b/a The Milner Group, LLC; Justice Immigration; and/or The Justice Firm, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon WORMLEY.

77. The Defendant Xiaoyi Yao (“YAO”) is, upon information and belief, an adult resident citizen of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon YAO.

78. The Defendant Zurich in North America d/b/a American Insurance Company (“ZURICH”) is, upon information and belief, upon information and belief, a business organized and existing under the laws of the State of California, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon ZURICH.

79. The Defendants Does 1-300 (“DEFENDANT DOES”) are unnamed and unidentified persons or entities of unknown residence and/or organization, and upon information and belief, as of the date of the filing of this Notice of Removal, service of process has not been perfected upon DEFENDANT DOES.

80. It is well established that if a complaint arises under federal law, the federal courts have original jurisdiction over those claims. *Mikulski v. Centerior Energy Corp.*, 501 F.3d 555, 560 (6<sup>th</sup> Cir. 2007).

81. Here, Case No. 3114 is of a civil nature, and Plaintiffs allege that each of their forty causes of action arises under one or more acts of Congress, including the Civil RICO Act,

18 U.S.C. §§ 1961-1968; The HOBBS Act, 18 U.S.C. §1958; 18 U.S.C. §201; 18 U.S.C. §1956; the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12102; the U.S.A. Patriot Act; the Homeland Security Act; and 42 U.S.C. §§ 1983; the Identify Theft Enforcement and Restitution Act of 2008, 18 U.S.C. §1030. (See, ***Comprehensive Exhibit A***, Complaint, pp. 13, 16, 37, 52, 64, 67, 69, 70, 75, 79, 80, 82, 84, 85, 86, 87, 88, 89, 90, 92, 93, 96, 98, 99, 101, 103, 108, 112, 113, 115, 117, 119, 122, 124, 126, 127 and 128). Thus, this Court has original jurisdiction over Plaintiffs' federal claims.

82. In addition to Plaintiffs' federal claims, the Complaint contains multiple state law claims that are so related to Plaintiffs' federal law claims as to form a part of the same controversy alleged in Plaintiffs' federal claims. (Id).

83. Because this Court has original jurisdiction over Plaintiffs' federal claims, and because Plaintiffs' state law claims are so related to their federal law claims that they form a part of the same controversy alleged in the federal claims, this Court may also exercise supplemental jurisdiction over Plaintiffs' state law claims, and removal of all Plaintiffs' claims to this Court is therefore proper.

84. This Notice of Removal is filed with this Court prior to the expiration of thirty (30) days after receipt by CarMax, through service or otherwise, of the Summons and Complaint in Case No. 3114. Accordingly, the time has not lapsed to file this Notice of Removal to this court of Case No. 3114.

85. Additionally, upon information and belief, service of process has not yet been perfected upon any of the other named Defendants in this matter.

86. Written notice of the filing of this Notice of Removal will be served upon all adverse parties as required by law.

87. A copy of this Notice of Removal will be filed with the Clerk of the Circuit Court for Union County, Tennessee, as required by law.

88. As required by law, CarMax files herewith as “*Comprehensive Exhibit A*” a copy of all process, pleadings and orders it has received through proper service or otherwise as of the date of this filing in Case No. 3144.

WHEREFORE, CarMax hereby gives notice that Case No. 3144 is removed from the State Court to this Court for trial and determination.

Respectfully submitted,

**ADAMS AND REESE, LLP**

s/ Emily C. Taube

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*Attorneys for Defendant  
CarMax Auto Superstores, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on Richard L. Lewis, as “Private Attorney General” for the Plaintiffs, P.O. Box 365, Maynardville, TN 37807, *via* first class U.S. Mail, postage prepaid this 13<sup>th</sup> day of November, 2013.

s/ Emily C. Taube  
Emily C. Taube